

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number  
(Optional)  
MESC:008US

First Named Inventor: Daohong Zhou

International (PCT) Application No.: PCT/US03/30847

U.S. Application No.: 10/529,661  
(if known)

Filed: March 29, 2005

Title: USE OF CASPASE INHIBITORS AS A THERAPEUTIC AGENT AGAINST RADIATION-INDUCED INJURY

Attention: PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

04/04/2006 KAYPAGH 0000124 10529661

02 FC:245 2. Proper reply 750.00 OP

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of  
Trns Ltr to US Designated/Elected Office (DO/EO/US) & Basic Nat'l Fee \$150 (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED

- 7 APR 2006

Legal Staff  
International Division

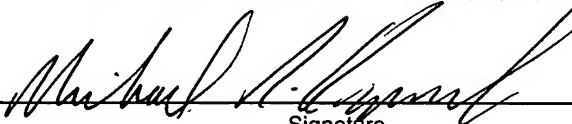
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☐ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
\_\_\_\_\_  
Signature

March 30, 2006  
\_\_\_\_\_  
Date

MICHAEL R. KRAWZSENEK

\_\_\_\_\_  
Typed or Printed Name

51,898

\_\_\_\_\_  
Registration Number, if applicable

Fulbright &amp; Jaworski

\_\_\_\_\_  
Address

(512) 536-3020

\_\_\_\_\_  
Telephone Number

600 Congress Avenue, #2400, Austin, Texas 78701

\_\_\_\_\_  
AddressEnclosures: ☒ Response☒ Fee Payment☐ Terminal Disclaimer☒ Other (please identify):

Response To Notice of Insufficient Basic National Fee Required Dated March 24, 2006; Postcard

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>MESC:008</b>
INTERNATIONAL APPLICATION NO. PCT/US03/30847		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/529,661
INTERNATIONAL FILING DATE 30 September 2003		PRIORITY DATE CLAIMED 1 October 2002
TITLE OF INVENTION USE OF CASPASE INHIBITORS AS A THERAPEUTIC AGENT AGAINST RADIATION-INDUCED INJURY		
APPLICANT(S) FOR DO/EO/US Daohong Zhou, Aimin Meng		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>Items 11 to 20 below concern document(s) or information included:</b> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> </ol>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>U.S. APPLICATION NO. (if known, see 37 CFR 1.5)</b> 10/529,661	<b>INTERNATIONAL APPLICATION NO.</b> PCT/US03/30847	<b>ATTORNEY'S DOCKET NUMBER</b> MESC:008
20. Other items or information:		
The following fees have been submitted		CALCULATIONS      PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... <b>\$300</b>		\$ 300.00
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))  If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b> All other situations..... <b>\$200</b>		\$
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... <b>\$100</b> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... <b>\$400</b> All other situations..... <b>\$500</b>		\$
<b>TOTAL OF 21, 22 and 23 =</b>		300.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
- 100 =	/50 =	x \$250
Surcharge of <b>\$130.00</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	- 20 =	x \$ 50
Independent claims	- 3 =	x \$200
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		150.00
<b>SUBTOTAL =</b>		\$
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$
<b>TOTAL NATIONAL FEE =</b>		\$ 150.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property		\$
<b>TOTAL FEES ENCLOSED =</b>		\$ 150.00
		Amount to be refunded: \$
		Amount to be charged \$

04/04/2006 EXAMINER 00000124 10529661

01 FC:26.1 150.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☒ A check in the amount of \$ 150.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1212. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 32425

Express Mail No.:EV674812042US  
Mailing Date:March 30, 2006

  
SIGNATURE

MICHAEL R. KRAWZSENEK

NAME

51,898

REGISTRATION NUMBER

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Title: USE OF CASPASE INHIBITORS AS A THERAPEUTIC  
AGENT AGAINST RADIATION INDUCED INJURY

Appl. No.: 10/529,661

Applicant: Zhou *et al.*

Filed: March 29, 2005

TC/A.U.: Unassigned

Examiner: Unassigned

Docket No.: MESC:008US

Customer No.: 32425

Confirmation No. Unassigned

**EXPRESS MAIL MAILING LABEL**

NUMBER EV674812042US

DATE OF DEPOSIT March 30, 2006

**RESPONSE TO NOTICE OF INSUFFICIENT BASIC NATIONAL FEE  
REQUIRED DATED MARCH 24, 2006**

**MAIL STOP PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

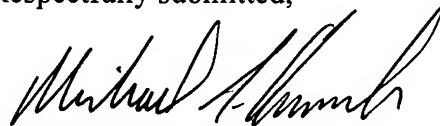
Applicants submit this paper in response to the Notice of Insufficient Basic National Fee Required and/or Missing Copy of International Application under 35 U.S.C. 371 and 37 C.F.R. 1.495 dated March 24, 2006 (the "Notice"), a copy of which is enclosed.

The Notice indicates that the basic national fee required for this application is \$300.00 (since no indication of small entity status has been received) and that the basic national fee must be paid by 30 months from the priority date (October 1, 2002), or the international application will become abandoned as to the United States.

Although Applicants have not received a Notice of Abandonment in this case, since the 30-month deadline for submission of the basic national fee (April 1, 2005) has passed, Applicants submit herewith a Petition for Revival of an International Application for Patent Designating the United States Abandoned Unintentionally under 37 C.F.R. 1.137(b), together with the required petition fee of \$750.00 pursuant to 37 C.F.R. 1.17(m). Applicants also submit herewith a Transmittal Letter to the United States Designated/Elected Office Concerning a Submission under 35 U.S.C. 371, which contains an assertion that Applicants are entitled to small entity status and transmits the corresponding basic national fee of \$150.00.

If the Commissioner determines that the Petition for Revival and accompanying fee are not required in this case or if the Commissioner determines that any additional fees under 37 C.F.R. §§ 1.16 to 1.21 are required for any reason relating to this document, the Commissioner is hereby authorized to credit or deduct such fee to or from Fulbright & Jaworski Deposit Account No. 50-1212/MESC:008US.

Respectfully submitted,



Michael R. Krawzsenek  
Reg. No. 51,898  
Attorney for Applicants


FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
512.536.3020 (voice)  
512.536.4598 (fax)

Date: March 30, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/529,661	FULBRIGHT & JAWORSKI, L.L.P. Daobong Zhou	MESC:008US
IPT DOCKETING		
Docketed <input checked="" type="checkbox"/> Not Req'd <input type="checkbox"/> Confirmation <input type="checkbox"/>		
32425	Initials 1st <u>DL</u> Initials 2nd <u>JK</u>	INTERNATIONAL APPLICATION NO.
FULBRIGHT & JAWORSKI L.L.P.		PCT/US03/30847
600 CONGRESS AVE.		I.A. FILING DATE
SUITE 2400		PRIORITY DATE
AUSTIN, TX 78701		09/30/2003 10/01/2002
MAR 30 2006		
Attorney <u>DLP/MLK</u>	CONFIRMATION NO. 8809	
Docket No. <u>MESC:00845</u>	371 FORMALITIES LETTER	
Action Req'd	Date Due	
		*OC000000018321116*

Date Mailed: 03/24/2006

**NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED AND/OR MISSING COPY  
OF INTERNATIONAL APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495.**

Indication of Small Entity Status has not been received.

The current record of this application indicates that the basic national fee (37 CFR 1.492(a)) required is \$300.

The basic national fee to enter the national stage in the United States of America under 35 U.S.C. 371 must be paid by 30 months from the priority date (37 CFR 1.495(b)(2)).

If the proper basic national fee is not paid within 30 months from the priority date, the international application will become ABANDONED as to the United States of America, and will not be accepted for national examination.

The amount required shown above reflects the correct fee as of the date of this Notice. If the amount changes prior to payment, applicant must pay the revised amount.

The current basic national fees are listed at 37 CFR 1.492(a). In addition, current PCT related fees are listed in each weekly issue of the Official Gazette of the United States Patent and Trademark Office and the amount of the fees can be obtained from the USPTO's web site [www.uspto.gov](http://www.uspto.gov) or by contacting the Public Service Center at (703) 308-4357.

Extensions of time under the provisions of 37 CFR 1.136 are not available for compliance with the requirements of 37 CFR 1.495(b)(2).

For filing the basic national fee, the first class certificate of mailing procedure of 37 CFR 1.8 is NOT available to establish the date of mailing as the date of receipt in the USPTO (see 37 CFR 1.8(a)(2)(i)(F)). The Express Mail procedure of 37 CFR 1.10 may be used.

The basic national fee may not be submitted via facsimile transmission.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*



CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/529,661	PCT/US03/30847	MESC:008US

FORM PCT/DO/EO/912 (371 Formalities Notice)

# EXPRESS MAIL



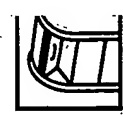
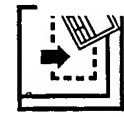
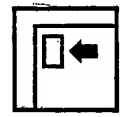
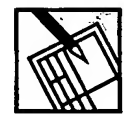
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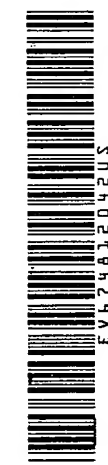
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Date Accepted	Scheduled Date of Delivery	Day	Month	Day	Time	Signature	
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Time Accepted	Scheduled Time of Delivery	COO Fee	Insurance Fee	Delivery Date	Time	Signature	
Mo. Day Year	<input type="checkbox"/> Noon <input type="checkbox"/> 3 PM	\$	\$				
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